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PTO/SB/21 (09-04) (AW 10/2004)

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|--|----------------------|-------------------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> | Application Number   | 10/784,378        |
|  | Filing Date          | 02/23/2004        |
|  | First Named Inventor | George Goicoechea |
|  | Art Unit             | 3734              |
|  | Examiner Name        | Vy Q. Bui         |
|  | Attorney Docket No.  | BSI-210US9        |
| Total Number of Pages in This Submission   |                      |                   |

| ENCLOSURES (Check all that apply)   |  |  |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/Declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation,<br>Change of Correspondence<br>Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication<br>to TC<br><br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply<br>Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please<br>identify below): 1 pg.<br>PTO/SB/08b; Federal Circuit<br>Decision; post card receipt |
| <b>Remarks:</b>   |  |  |

| SIGNATURE OF APPLICANT, ATTORNEY OR AGENT |                 |                  |        |
|---|-----------------|------------------|--------|
| Firm Name                                 | RatnerPrestia   |                  |        |
| Signature                                 |                 |                  |        |
| Printed Name                              | Joshua L. Cohen |                  |        |
| Date                                      | August 23, 2007 | Registration No. | 38,040 |

| CERTIFICATE OF TRANSMISSION / MAILING   |               |      |                 |
|---|---------------|------|-----------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: |               |      |                 |
| Signature   |               |      |                 |
| Typed or Printed Name   | Denise Morgan | Date | August 23, 2007 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No: 10/784,378  
Applicant: George Goicoechea et al.  
Filed: February 23, 2004  
Title: BIFURCATED ENDOLUMINAL PROSTHESIS  
TC/A.U.: 3734  
Examiner: Vy Q. Bui

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the document listed on the PTO/SB/08b submitted herewith. A copy of the document listed on the PTO/SB/08b form, is enclosed.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

With respect to Applicants' claim of priority, Applicants would like to direct the Examiner's attention to the following court decision:

- Decision of the United States Court of Appeals for the Federal Circuit in *Boston Scientific Scimed, Inc. v. Medtronic Vascular, Inc.*, No. 2006-1434, dated August 8, 2007 (affirming the Memorandum Opinion and Final Judgment of the United States District Court for the District of Columbia in *Scimed Life Systems, Inc. v. Medtronic Vascular, Inc. and Eric C. Martin*, Civil Case No. 01-1515 (RJM) dated March 31, 2006).

A copy of the decision is attached. The decision was an appeal from a decision (previously submitted) of the USPTO Board of Patent Appeals and Interferences ("Board") dated July 27,

2001 in Interference No. 104,192, which involved an application of Andrew H. Cragg and Michael D. Dake that is familialy related to the present application.

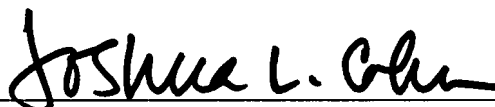
In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

More than three months have elapsed since the filing of the above-referenced application and a first (non-Final) Official Action has been received. No Final Action or Notice of Allowance has yet been received and it is presumed that none has yet been mailed. Accordingly, as more specifically indicated below, a statement as required by 37 C.F.R. § 1.97(e) is provided herewith.

#### STATEMENT

The undersigned hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months before the filing of the Information Disclosure Statement.

Respectfully submitted,



Joshua L. Cohen, Reg. No. 38,040  
Stanley Weinberg, Reg. No. 25,276  
Attorneys for Applicants

JLC/SW/dhm

Enclosures: PTO/SB/08b  
Federal Circuit Decision  
Transmittal Form

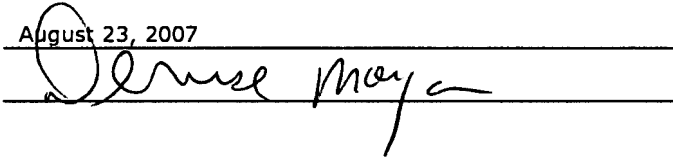
Dated: August 23, 2007

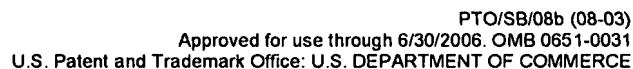
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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

August 23, 2007

A handwritten signature in cursive script, appearing to read "Denise May", is written over a horizontal line. The signature is fluid and extends slightly below the line.



Attorney Docket No. BSI-210US9

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